

REMARKS

Claims 33-37 and 39-72 are now pending in this application. Claims 33, 44-46, 48, 51-53, 55, and 57-61 are independent. Claims 33, 35-36, 44-55, 57-61, 63, 65, and 67-69 have been amended; claim 72 has been added; and claim 38 has been canceled by this Amendment.

No new matter is involved with any new claim or claim amendment, as support may be found throughout the originally-filed disclosure.

I. Claim Objections

Withdrawal of the objection to claims 46 and 48 is requested. These claims have been amended in a manner that is believed to overcome the stated basis for objection to the preamble.

II. Indefiniteness Rejections

Withdrawal of the rejection of claims 33, 36, 45-46, 51-53, 55, and 57-61 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite, is requested. These claims have been variously amended in ways that are believed to overcome the stated bases for indefiniteness. Consideration and allowance of amended claims 33, 36, 45-46, 51-53, 55, and 57-61 are respectfully requested.

III. Non-Statutory Subject Matter Rejections under 35 USC §101

Withdrawal of the rejection of claims 57 and 60 under 35 U.S.C. 101 as allegedly being directed to non-statutory subject matter is requested. While believed to be drawn in their original form to statutory subject matter, these claims have been amended to recite that the computer-readable medium is a computer-readable *storage* medium, in contrast to the Examiner's apparent interpretation that the computer-readable medium could be construed as a computer-readable *transmission* medium.

IV. Anticipation Rejection by Hanson

Withdrawal of the rejection of claims 33 and 35-71 under 35 U.S.C. §102(e) as allegedly being anticipated by Hanson (US 6,208,851) is requested.

A. Deficiencies of Hanson with Respect to the Independent Claims

1. Independent Claim 33

The applied art, Hanson, does not disclose a method that includes, *inter alia*, "determining services accessible via a subscription having an account and at least a first limit in a communication system; ***defining at least a first set of services and a second set of services to be used with the subscription, each of said first and said second set of services defining services accessible via the subscription; defining a first access point name for the first set of services; defining a second access point name for the second set of services;*** comparing a balance of the account with the first limit; ***selecting, in response to the result of the comparison, a range of allowed IP addresses to be used for accessing on of said first and second set of services, wherein the first range of allowed IP addresses is selected when the balance of the account does not reach the first limit; and the second range of allowed IP addresses is selected when the balance reaches the first limit,***" as recited in independent claim 33 as amended (*emphasis added*).

2. Independent Claim 44

The applied art, Hanson, does not disclose a communication system providing a subscription with an account and at least a first limit, wherein the communication system includes, *inter alia*, "a first node monitoring a balance of the account; a memory that stores ***definitions of at least a first set of services associated with a first access point name and a second set of services associated with a second access point name to be used with the subscription, each set of services defining services accessible via the subscription,*** wherein the first node compares the balance of the account with the first limit, and ***selects, in response to the result of the comparison, a range of allowed IP addresses to be used with this connection for accessing one of said first and second set of services, wherein the first range of allowed IP***

addresses is selected when the balance of the account does not reach the first limit and the second range of allowed IP addresses is selected when the balance reaches the first limit," as recited in independent claim 44 as amended (emphasis added).

3. Independent Claim 45

The applied art, Hanson, does not disclose a apparatus in a communication system providing a subscription with an account and at least a first limit, the apparatus being arranged to monitor a balance of the account, wherein the apparatus is configured to, *inter alia*, "associate a first range of allowed IP addresses with a first set of services, and a second range of allowed IP addresses with a second set of services, both sets of services defining services accessible via the subscription; compare the balance of the account with the first limit; select, in response to the result of the comparison, a range of allowed IP addresses to be used for accessing one of said first and second set of services, wherein the first range of allowed IP addresses is selected when the balance of the account does not reach the first limit and the second range of allowed IP addresses is selected when the balance reaches the first limit," as recited in independent claim 45 as amended (*emphasis added*).

4. Independent Claim 46

The applied art, Hanson, does not disclose a apparatus in a communication system providing a subscription with an account and at least a first limit, the apparatus being arranged to monitor a balance of the account, wherein the apparatus is configured to, *inter alia*, "associate a first range of allowed IP addresses with a first set of services and a second range of allowed IP addresses with the second set of services, both sets of services defining services accessible via the subscription; communicate with a second apparatus; compare the balance of the account with the first limit; select in response to the result of the comparison, a range of allowed IP addresses to be used for accessing one of said first and second set of services, wherein the first range of allowed IP addresses is selected when the balance of the account does not reach the first limit and the second range of allowed IP addresses is selected when the balance reaches the first limit, and indicate to the second apparatus the selected range of allowed IP addresses," as recited in independent claim 46 as amended (*emphasis added*).

5. Independent Claim 48

The applied art, Hanson, does not disclose a apparatus in a communication system providing a subscription, wherein the apparatus is configured to, *inter alia*, "***store a first range of allowed IP addresses used in the communication system to define where and how to connect a user of the subscription; provide access to a first set of services accessible to the subscription using the first a range of allowed IP addresses; receive from the communication system a second range of allowed IP addresses indicating the use of a second set of services instead of the first set of services for the for the subscription, and, in response to receiving the second range of allowed IP addresses, modify the stored first range of allowed IP addresses with the received second range of allowed IP addresses, and provide access only to services included in the indicated second set of services accessible to the subscription using the second range of allowed IP addresses,***" as recited in independent claim 48 as amended (*emphasis added*).

6. Independent Claim 51

The applied art, Hanson, does not disclose a method of determining services accessible via a subscription having an account and at least a predetermined first limit in a communication system, wherein the method includes, *inter alia*, "***maintaining definitions of at least a first set of services and a second set of services to be used with the subscription, each set of services defining services accessible via the subscription, the second set of services being a subset of the first set of services and comprising services which are not charged from the subscriber; comparing a balance of the account with the first limit; deciding on the basis of the comparison, which set of services, among said at least the first set of services and the second set of services, can be used; using the first set of services when the balance of the account does not reach the first limit; and using the second set of services when the balance reaches the first limit,***" as recited in independent claim 51 as amended (*emphasis added*).

7. Independent Claim 52

The applied art, Hanson, does not disclose a processor comprising program code configuring an apparatus in a communication system to, *inter alia*, "provide a subscription with an account and at least a first limit; ***associate a first range of allowed IP addresses with a first***

set of services, and a second range of allowed IP addresses with a second set of services, both sets of services defining services accessible via the subscription; monitor a balance of the account; compare a balance with the first limit; select, in response to the result of the comparison, a range of allowed IP addresses to be used for accessing one of said first and second set of services in response to the result of the comparison, wherein the first range of allowed IP is selected when the balance of the account does not reach the first limit and the second range of allowed IP addresses is selected when the balance reaches the first limit," as recited in independent claim 52 as amended (*emphasis added*).

8. Independent Claim 53

The applied art, Hanson, does not disclose a processor comprising program code configuring an apparatus in a communication system to, *inter alia*, "provide a subscription with an account and at least a first limit, *associate a first range of allowed IP addresses with a first set of services, and a second range of allowed IP addresses with a second set of services, both sets of services defining services accessible via the subscription; communicate with a second apparatus; compare a balance with the first limit; select, in response to the result of the comparison, a range of allowed IP addresses to be used for accessing one of said first and second set of services, wherein the first range of allowed IP addresses is selected when the balance of the account does not reach the first limit and the second range of allowed IP addresses is selected when the balance reaches the first limit; and indicate, in a form of the selected range of allowed IP addresses to the second apparatus, which set of services from among at least two different sets of services defined for the subscription is the allowed set of services on the basis of said comparison,"* as recited in independent claim 53 as amended (*emphasis added*).

9. Independent Claim 55

The applied art, Hanson, does not disclose a processor comprising program code configuring an apparatus in a communication system to, *inter alia*, "provide a subscription, *store a first range of allowed IP addresses used in the communication system to define where and how to connect a user of the subscription; provide access to a first set of services accessible to the subscription using the first range of allowed IP addresses; receive from the*

communication system a second range of allowed IP addresses indicating the use of a second set of services instead of the first set of services for the subscription; and, in response to receiving the indication, to modify the stored first range of allowed IP addresses with the received second range of allowed IP addresses, and provide access only to services included in the indicated second set of services using the second range of allowed IP addresses," as recited in independent claim 55 as amended (*emphasis added*).

10. Independent Claim 57

The applied art, Hanson, does not disclose a computer readable storage medium encoding and storing a computer program of instructions therein for executing a computer process for determining services accessible via a subscription having an account and at least a first limit in a communication system, wherein the process includes, *inter alia*, "defining at least a first set of services and a second set of services to be used with the subscription, each set of services defining services accessible via the subscription; *defining a first range of allowed IP addresses for the first set of services; and defining a second range of allowed IP addresses for the second set of services; comparing a balance of the account with the first limit; selecting, in response to the result of the comparison, a range of allowed IP addresses to be used for accessing one of said first and second set of services, wherein the first range of allowed IP addresses is selected when the balance of the account does not reach the first limit; and the second range of allowed IP addresses is selected when the balance reaches the first limit,"* as recited in independent claim 57 as amended (*emphasis added*).

11. Independent Claim 58

The applied art, Hanson, does not disclose an apparatus configured to, *inter alia*, "determine services accessible via a subscription having an account and at least a predetermined first limit in a communication system; *maintain definitions of at least a first set of services and a second set of services to be used with the subscription, each set of services defining services accessible via the subscription, the second set of services being a subset of the first set of services and comprising services which are not charged from the subscriber;* compare a balance of the account with the first limit; *decide on the basis of the comparison, which set of services, among said at least the first set of services and the second set of services, can be used; use the first set*

of services when the balance of the account does not reach the first limit; and use the second set of services when the balance reaches the first limit," as recited in independent claim 58 as amended (*emphasis added*).

12. Independent Claim 59

The applied art, Hanson, does not disclose a processor configured to, *inter alia*, "determine services accessible via a subscription having an account and at least a predetermined first limit in a communication system; *maintain definitions of at least a first set of services and a second set of services to be used with the subscription, each set of services defining services accessible via the subscription, the second set of services being a subset of the first set of services and comprising services which are not charged from the subscriber*; compare a balance of the account with the first limit; *decide on the basis of the comparison, which set of services, among said at least the first set of services and the second set of services, can be used; use the first set of services when the balance of the account does not reach the first limit; and use the second set of services when the balance reaches the first limit,"* as recited in independent claim 59 as amended (*emphasis added*).

13. Independent Claim 60

The applied art, Hanson, does not disclose a computer readable storage medium encoding and storing a computer program of instructions therein for executing a computer process that includes, *inter alia*, "determining services accessible via a subscription having an account and at least a predetermined first limit in a communication system, *maintaining definitions of at least a first set of services and a second set of services to be used with the subscription, each set of services defining services accessible via the subscription, the second set of services being a subset of the first set of services and comprising services which are not charged from the subscriber*; comparing a balance of the account with the first limit; *deciding on the basis of the comparison, which set of services, among said at least the first set of services and the second set of services, can be used; using the first set of services when the balance of the account does not reach the first limit; and using the second set of services when the balance reaches the first limit,"* as recited in independent claim 60 as amended (*emphasis added*).

14. Independent Claim 61

The applied art, Hanson, does not disclose a apparatus that includes, *inter alia*, "means for determining services accessible via a subscription having an account and at least a predetermined first limit in a communication system; *means for maintaining definitions of at least a first set of services and a second set of services to be used with the subscription, each set of services defining services accessible via the subscription, the second set of services being a subset of the first set of services and comprising services which are not charged from the subscriber; means for comparing a balance of the account with the first limit; means for deciding on the basis of the comparison, which set of services, among said at least the first set of services and the second set of services, can be used; means for using the first set of services when the balance of the account does not reach the first limit; and means for using the second set of services when the balance reaches the first limit*," as recited in independent claim 61 as amended (*emphasis added*).

Accordingly, since the cited art does not disclose each limitation of independent claims 33, 44-46, 48, 51-53, 55, and 57-61, these claims are submitted as being patentable over the art of record. Further, dependent claims 34-37, 39-43, 47, 49-50, 54, 56, and 62-71 variously and ultimately depend from these patentable claims, and are submitted as being allowable in their own right, without further recourse to the patentable subject matter specifically recited therein.

B. Discussion of Hanson

Hanson discloses that when a call is made, the caller's balance is checked, before connecting the call. If there are sufficient funds, the call is connected. If there are insufficient funds, the call is checked to determine whether the call is for an emergency or customer service. If yes, then the call is connected and, if no, the call is not completed (see col. 5, lines 31-41). In other words, if there are insufficient funds, the type of the call is determined and, based on the type, a decision is made whether or not to continue the call set up.

Thus, it is clear that no IP address range is selected on the basis of the comparison. Instead, Hanson teaches to either continue the call setup, or to determine the type of the call to make a further decision, depending on the outcome of the balance check.

Hanson also teaches to check, in the case of a roaming subscriber, whether or not roaming is permitted for that particular subscriber (particular account, i.e. a particular subscription), and if not, the call is processed as a credit call or manual roaming call block.

Further, if roaming is allowed with Hanson's prepaid account, but if the account balance is below a minimum value, "the caller cannot roam on the prepaid account, and the call is processed as a credit call or manual roaming call block" (see Hanson at col. 7, lines 8-11). Since the prepaid account cannot be used, another subscription must necessarily be used. In other words, Hanson teaches that if the subscription of a roaming subscriber does not allow roaming or if there are not enough funds remaining, another subscription is used.

This teaching of Hanson is completely contrary to Applicants' claimed invention in which the same subscription is used, although the set of services may change. Further, Hanson, like the previously cited art of record, fails to provide even so much as a hint at providing a range of allowed IP addresses that can be defined for a set of services.

Thus, Hanson fails to teach "a first set of services *and* a second set of services, *each* set of services defining services accessible via the subscription," "defining a first range of allowed IP addresses for the first set of services; defining a second range of allowed IP addresses for the second set of services," and "selecting...an access point name," for example. These limitations are present, in various forms, in all independent claims, and are not disclosed by Hanson.

Accordingly, all pending independent claims and, as a consequence, all dependent claims are patentable over the art cited.

C. Discussion of Applicant's Disclosure

By way of background, one or more embodiments and aspects of Applicant's disclosure are directed to a method, system, processor, and network node to determine services accessible via a subscription in a communication system. In order to provide access to certain services, even when the subscription having an account with a predetermined limit cannot be used for services to be charged from the subscription, at least two sets of services are defined for the subscription. One set of services is used when the predetermined limit is not reached, and the

other is used when the predetermined limit has been reached. In one embodiment, the latter set of services comprises services free of charge. Access point names (APN) may be used to identify available services, or a range of allowed IP addresses may be used. In one or more embodiments, the subscription balance is checked before the APN or range of allowed IP addresses are checked, and the outcome of the balance check is used to select the APN or range of allowed IP addresses.

V. Unpatentability Rejection over Hanson in view of Sjödin

Withdrawal of the rejection of claim 34 under 35 U.S.C. §103(a) as allegedly being unpatentable over Hanson in view of Sjödin (US 6,097,948) is requested.

Whether or not Sjödin teaches that for which the Examiner offers it, i.e., use of a firewall, Sjödin does not make up for the previously-identified deficiencies of Hanson as discussed above with respect to independent claim 33 from which claim 34 directly depends.

Allowance of claim 34 is requested.

VI. New Claim

Newly-presented claims 72 has been drafted to further define that which Applicants are entitled to claim. Claim 72 generally corresponds to canceled claim 38, using alternative language. As a further note, in addition to the deficiencies of Hanson with respect to independent claim 33 from which claim 72 directly depends, Hanson is completely silent on subscriber information comprising a range of allowed IP addresses, and adding the range to the subscriber information.

Consideration and allowance of claim 72 are respectfully requested.

VII. Conclusion

All rejections having been addressed, Applicant submits that each of pending claims 33-37 and 39-72 in the present application is in immediate condition for allowance. An early indication of the same would be appreciated.

In the event the Examiner believes that an interview would be helpful in resolving any outstanding issues in this case, the Undersigned Attorney is available at the telephone number indicated below.

For any fees that are due, including fees for extensions of time, please charge Deposit Account Number 03-3975 from which the Undersigned Attorney is authorized to draw. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Date: July 27, 2009

Respectfully submitted,

Electronic Signature: /Larry J. Hume/

Larry J. Hume

Registration No.: 44,163

PILLSBURY WINTHROP SHAW PITTMAN LLP

P.O. Box 10500

McLean, VA 22102

(703) 770-7900 (switchboard)

(703) 770-7981 (direct)

(703) 770-7901 (fax)

e-mail: Larry.Hume@pillsburylaw.com

Attorney for Applicant

Attachment: Petition for 3-month Extension of Time